

FILED
ELECTRONICALLY
11/1/06

STUTMAN, TREISTER & GLATT, P.C.
FRANK A. MEROLA
(CA State Bar No. 136934)
EVE H. KARASIK
(CA State Bar No. 155356)
CHRISTINE M. PAJAK
(CA State Bar No. 217173)
1901 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067
Telephone: (310) 228-5600
E-mail: fmerola@stutman.com
ekarasik@stutman.com
cpajak@stutman.com

SHEA & CARLYON, LTD.
JAMES PATRICK SHEA
(Nevada State Bar No. 000405)
CANDACE C. CARLYON
(Nevada State Bar No. 002666)
SHLOMO S. SHERMAN
(Nevada State Bar No. 009688)
233 South Fourth Street, Second Floor
Las Vegas, Nevada 89101
Telephone: (702) 471-7432
E-mail: jshea@sheacarlyon.com
ccarlyon@sheacarlyon.com
ssherman@sheacarlyon.com

*Counsel for the Official Committee of Equity Security Holders of
USA Capital First Trust Deed Fund, LLC*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:) BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY) Chapter 11
Debtor)

In re:) BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,) Chapter 11
Debtor.)

In re:) BK-S-06-10729-LBR
USA SECURITIES, LLC,) Chapter 11
Debtor.)

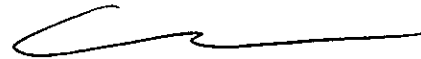
Affects) Date: September 28, 2006
☐ All Debtors) Time: 9:30 a.m.
☐ USA Commercial Mortgage Co.)
☐ USA Securities, LLC)
☐ USA Capital Realty Advisors, LLC)
☐ USA Capital Diversified Trust Deed)
☒ USA First Trust Deed Fund, LLC)

NOTICE OF ENTRY OF ORDER DENYING THE UNITED STATES TRUSTEE'S MOTION TO CONVERT CASES TO PROCEEDINGS UNDER CHAPTER 7

1 PLEASE TAKE NOTICE that an Order Denying the United States Trustee's Motion
2 to Convert Cases to Proceedings Under Chapter 7 was entered on November 1, 2006, a true
3 and correct copy of which is attached hereto.

4 DATED this 15th day of November, 2006.

6 SHEA & CARLYON, LTD.

7 

9 CANDACE C. CARLYON
10 (Nevada State Bar No. 002666)
11 SHLOMO S. SHERMAN
12 (Nevada State Bar No. 009688)
233 South Fourth Street, Second Floor
Las Vegas, Nevada 89101

13 and

14 STUTMAN, TREISTER & GLATT, P.C.
15 FRANK A. MEROLA
16 (CA State Bar No. 136934)
17 EVE H. KARASIK
18 (CA State Bar No. 155356)
19 CHRISTINE M. PAJAK
20 (CA State Bar No. 217173)
1901 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067

21 Counsel for the Official Committee of Equity
22 Security Holders of USA Capital First Trust
23 Deed Fund, LLC
24
25
26
27
28



The Court's findings were made on the record in accordance with 7052.

Entered on Docket
November 01, 2006

Hon. Linda B. Riegler
United States Bankruptcy Judge

STUTMAN, TREISTER & GLATT, P.C.
FRANK A. MEROLA
(CA State Bar No. 136934)
EVE H. KARASIK
(CA State Bar No. 155356)
ANDREW M. PARLEN
(CA State Bar No. 230429),
1901 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067
Telephone: (310) 228-5600
E-mail: finerola@stutman.com
ekarasik@stutman.com
apahlen@stutman.com

SHEA & CARLYON, LTD.
JAMES PATRICK SHEA
(Nevada State Bar No. 000405)
CANDACE C. CARLYON, ESQ.
(Nevada State Bar No. 002666)
SHLOMO S. SHERMAN, ESQ.
(Nevada State Bar No. 009688)
228 South Fourth Street, First Floor
Las Vegas, Nevada 89101
Telephone: (702) 471-7432
E-mail: jshea@sheacarlyon.com
ccarlyon@sheacarlyon.com
ssherman@sheacarlyon.com

*Counsel for the Official Committee of Equity Security Holders of
USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:	) BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY	) Chapter 11
Debtor.)
In re:	) BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,	) Chapter 11
Debtor.)
In re:	) BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	) Chapter 11
Debtor.)
In re:	) BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,	) Chapter 11
Debtor.)
In re:	) BK-S-06-10729-LBR
USA SECURITIES, LLC,	) Chapter 11
Debtor.)

**ORDER DENYING THE UNITED STATES TRUSTEE'S MOTION TO CONVERT CASES
TO PROCEEDINGS UNDER CHAPTER 7**

1 Affects)

2 ☒ All Debtors)

3 ☐ USA Commercial Mortgage Co.)

4 ☐ USA Securities, LLC)

5 ☐ USA Capital Realty Advisors, LLC)

6 ☐ USA Capital Diversified Trust Deed)

7 ☐ USA First Trust Deed Fund, LLC)

8 **ORDER DENYING THE UNITED STATES TRUSTEE'S MOTION TO CONVERT**
 9 **CASES TO PROCEEDINGS UNDER CHAPTER 7**
 10 **(AFFECTS ALL DEBTORS)**

11 "The United States Trustee's Motion to Convert Cases to Proceedings Under Chapter
 12 7" (the "Motion") having come on for hearing before the above-captioned Court on October
 13 30, 2006 at 9:30 a.m., all appearances having been noted on the record, the Court having
 14 reviewed the Motion and supporting pleadings, having considered statements of counsel and
 15 the pleadings filed in opposition to the Motion, and for good cause appearing;

16 **IT IS HEREBY ORDERED** that the Motion is DENIED.

1 PREPARED AND SUBMITTED BY:

2 STUTMAN, TREISTER & GLATT, P.C.

3
4 Eve H. Karasik

5 Frank A. Merola, Esq.

6 Eve H. Karasik, Esq.

7 Andrew M. Parlen, Esq.

1901 Avenue of the Stars, 12th Floor

Los Angeles, CA 90067

8 and

9 SHEA & CARLYON, LTD.

10 Candace C. Carlyon, Esq.

11 Shlomo S. Sherman, Esq.

228 South Fourth Street, First Floor

Las Vegas, NV 89101

13 Counsel for the Official Committee of Equity

14 Security Holders of USA Capital First Trust

Deed Fund, LLC

15
16 APPROVED/DISAPPROVED:

17 OFFICE OF THE U.S. TRUSTEE

18
19 Scott Farrow, Esq.

20 600 Las Vegas Blvd. So., #430

Las Vegas, NV 89101

21
22 Counsel for the United States Trustee

1 PREPARED AND SUBMITTED BY:

2 STUTMAN, TREISTER & GLATT, P.C.

3
4 Eric H. Karasik
5 Frank A. Merola, Esq.

6 Eve H. Karasik, Esq.

7 Andrew M. Parlen, Esq.

8 1901 Avenue of the Stars, 12th Floor

9 Los Angeles, CA 90067

10 and

11 SHEA & CARLYON, LTD.

12 Candace C. Carlyon, Esq.

13 Shlomo S. Sherman, Esq.

14 228 South Fourth Street, First Floor

15 Las Vegas, NV 89101

16 Counsel for the Official Committee of Equity

17 Security Holders of USA Capital First Trust

18 Deed Fund, LLC

19 ~~APPROVED/DISAPPROVED~~

20 OFFICE OF THE U.S. TRUSTEE

21 Scott Parrow, Esq.

22 600 Las Vegas Blvd. So., #430

23 Las Vegas, NV 89101

24 Counsel for the United States Trustee

RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

☒ The Court waived the requirements of LR 9021.

☐ I have delivered a copy of proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:

☐ approved the form of this order; or

☐ waived the right to review this order; and/or

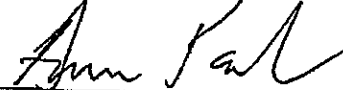
☐ failed to file and serve papers in accordance with LR 9021(c).

☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the order:

☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

DATED this 31st day of October, 2006.

STUTMAN, TREISTER & GLATT, P.C.



ANDREW M. PARLEN, ESQ.
1901 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067

###